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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,061	04/26/2006	Thomas Roiser	4301-1147	4268

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YOUNG & THOMPSON
745 SOUTH 23RD STREET
2ND FLOOR
ARLINGTON, VA 22202

EXAMINER

AMIRI, NAHID

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/553,061

Applicant(s)

ROISER, THOMAS

Examiner

Nahid Amiri

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12 October 2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, **the two recesses are diametrically opposite one another on each end of the hollow cylinder, of claim 16, lines 2-3**, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 13-21 are objected to because of the following informalities: Claim 13, line 1, "Clamping device" should be changed to --A clamping device-- ^{while in} ~~Same applies to line 1 of~~
 ^{line 1, "Clamping device" should be changed to -- The clamping device --.}
 ^{claims 14-21,} Claim 20 does not end in a period.

Appropriate correction is required.

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, **the two recesses are diametrically opposite one another on each end of the hollow cylinder, of claim 16, lines 2-3**, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 13-21 are objected to because of the following informalities: Claim 13, line 1, "Clamping device" should be changed to --A clamping device--, while in claims 14-21, line 1, "clamping device" should be changed to --The clamping device--.

Claim 20 does not end in a period.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claims 13-21, it should be noted that the preamble of claim 13 sets forth only a clamping device subcombination, with intended use of for telescoping tubes (3, 5). As initially set forth, the elements of the combination are not positively included in the claims. However, claim 13, line 11, positively includes the elements of the combination (e.g., the inner tube of the telescopic tubes). Accordingly, it is unclear as to whether the combination or subcombination is being claimed. For this Office action, it is presumed that only the subcombination is being claimed.

Claim 14 there is no antecedent basis for “the threaded section”, lines 2 and 3.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

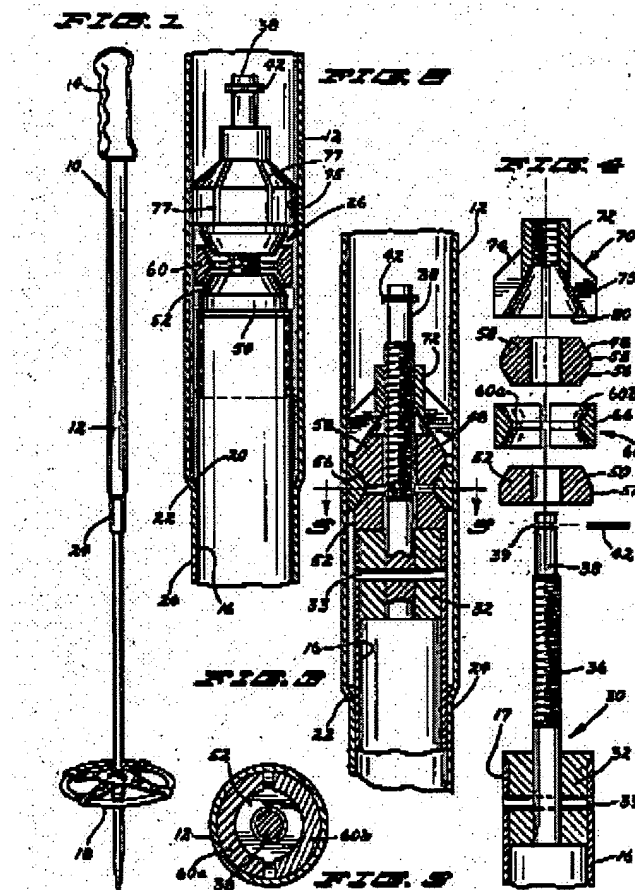
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13 and 15-19 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 4,134,703 Hinners.

With respect to claim 13, Hinners discloses a clamping device (**Figs. 1-4, see below**) for telescoping tubes (**12, 14**), with a radially expandable clamping part (**60**) which is hollow cylinder has a continuous lengthwise slot, conical expansion bodies (**50, 70**) being assigned to

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the two ends characterized in that the expansion bodies (50, 70) can be moved relative to the clamping part (60), and are screwed onto threaded sections (**constituted by the upper and lower sections of threaded 36**), of the threaded rod (30) with opposing threads, and that a threaded part (30) which has a threaded rod (30) is attached to the inner tube of the telescoping tubes (12, 14).



With respect to claims 15-17, Hinners discloses (Fig. 5, see above) that the hollow cylinder (60) which forms the clamping part has recesses (**constituted by space between parts 60a and 60b**) which proceed from its two ends; wherein the two recesses are diametrically opposite one another on each end of the hollow cylinder (60).

With respect to claim 18, Hinners discloses (Fig. 2, above) that the expansion bodies (50, 70) with their ends of smaller diameter engage the clamping part (60).

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With respect to claim 19, Hinnars discloses (**Fig. 2, above**) that the expansion bodies (**50, 70**) their ends with the greater diameter are made to increase friction relative to the material of the outer tube (**12**).

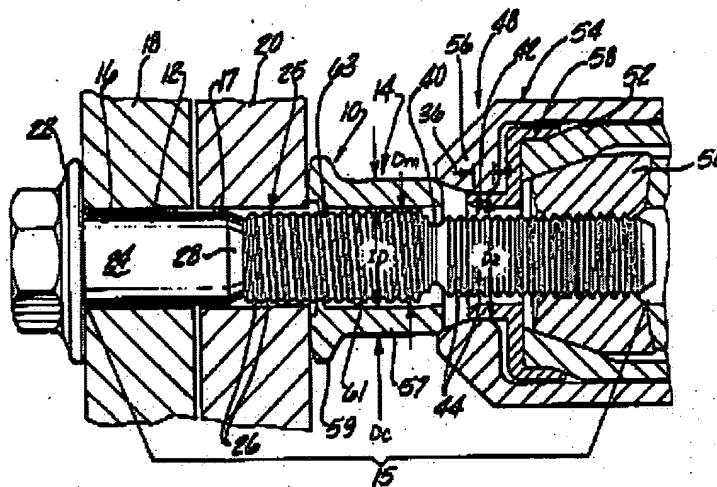
Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hinnars as applied to claims 13 and 15-19 above, and further in view of US Patent No. 4,867,625 Dixon.

With respect to claim 14, Hinnars discloses the claimed invention except that the threaded section of the screw that is adjacent to the inner tube has a greater diameter than the threaded section which is remote from the inner tube. Dixon teaches a clamping device (**10, Figs. 1-2, see below**) including a screw (**12**) having a first threaded portion (**25**), which has greater diameter, than a second threaded portion (**24**). It would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the screw of Hinnars to have a first threaded section with a greater diameter than a second threaded section as taught by Dixon in order to clamp two members together at a preselected preload by the axial force initially applied between the screw and collar.

**Fig-1**

With respect to claims 20 and 21, Hinners discloses (Fig. 2) that the hollow cylinder (60) which forms the clamping part (60) has recesses (constituted by space between parts 60a and 60b), which proceed from its two ends.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art of record US Patent No. 5,458,427 Simond; US Patent No. 5,538,354 Simond; US Patent No. 5,803,643 Patelli et al.; US Patent No. 4,238,164 Mazzolla; US Patent No. 6,045,288 Pasternak et al.; US Patent No. 6,250,839 B1 Lenhart; are cited to show a tubular assembly with a locking element.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nahid Amiri whose telephone number is (571) 272-8113. The examiner can normally be reached on 8:30-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Nahid Amiri
Examiner
Art Unit 3679
August 23, 2006



DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600